

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Trenton M. Overholt, et al.

Serial No.: 10/027,741

Filed: December 20, 2001

Attorney Docket No.: RPC 0579 PUS

For: Collapsible Container with Recessed Side Panel Latch

DEC 24 03

PATENT AND TRADEMARK
DIVISION

#111 Reg for
refund
01-07-04

**REQUEST FOR REFUND
UNDER 37 C.F.R. § 1.28(a)**

Mail Stop 16 (refunds)
Director of the US Patent & Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This request for refund is made in response to the October 2003 "Monthly Statement of Deposit Account" just received, in which two (2) separate fees were inaccurately charged to Applicant's Deposit Account for the above application, in the amounts of \$110 and \$18.

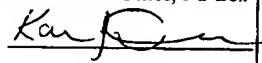
A. The \$110 Charge: Applicants are guessing that the charge for \$110 is for a one month extension for Applicants' response to the June 18, 2003 Office Action. However Applicants' amendment dated September 22, 2003 was timely filed and the \$110 charge is improper.

As clearly stated on page 12 of the Amendment dated September 22, 2003, "No extension of time fee should be necessary due to the PTO being closed on September 18 - 19, 2003." Further, September 20-21, 2003 were weekend days, therefore applicant's amendment was timely mailed on September 22, 2003. This one month extension charge is improper and should be refunded.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop 16, Director of the US Patent & Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on:
December 18, 2003

Konstantine J. Diamond



Date of Deposit

Name of Person Signing

Signature

DEC 24 03

PATENT & TRADEMARK
OFFICE

B. The \$18 Charge: Applicants also guess that the charge of \$18 is for one additional claim. However, the PTO has mis-counted applicants' claims. In the Office Action of June 18, 2003, the Examiner included in his rejection a claim "26". However, there was no Claim 26. In order to clear up any confusion from the Examiner's error, Applicants canceled claim 26 in the September 22, 2003 amendment and began numbering new claims starting at claim 27. Accordingly, in the September 22 amendment, Applicants canceled two claims (claims 24 and 25) and added seven claims (claims 27-33), resulting in a balance of five claims for which our deposit account was charged. However, Applicants also believe that they are being charged for claim 26, which never existed, but which was listed erroneously in the Examiner's Office Action. Therefore, applicants seeks a refund of this \$18 charge.

Therefore, the total amount of the refund requested is \$128.00 (\$18 + \$110 as reflected in the October 2003 Deposit Account Statement for account 50-1984).

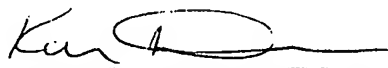
II. MANNER OF REFUND

Please make refund by crediting \$ 128.00 to Deposit Account No. 50-1984.

Respectfully submitted,

Trenton M. Overholt, et al.

Date: December 18, 2003

By: 
Konstantine J. Diamond, Reg. No. 39,657

4010 E. 26th St.
Los Angeles, CA 90023
Phone: 323-262-5145; Fax: 323-269-8506